

SENATE BILL NO. 235

INTRODUCED BY T. MURPHY

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE EXEMPTION FROM LICENSING AS A PSYCHOLOGIST TO INCLUDE PSYCHOLOGICAL TESTING, EVALUATION, AND ASSESSMENT BY QUALIFIED MEMBERS OF OTHER PROFESSIONS; CLARIFYING THAT THE QUALIFIED MEMBERS OF OTHER PROFESSIONS INCLUDE LICENSED PROFESSIONAL COUNSELORS; AND AMENDING SECTIONS 37-17-104 AND 37-23-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-17-104, MCA, is amended to read:

"37-17-104. Exemptions. (1) ~~This~~ Except as provided in subsection (2), this chapter does not prevent:

(1)(a) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, professional counselors licensed under Title 37, chapter 23, or educators, from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "psychology", "psychologist", "psychological", or "psychologic";

(2)(b) the activities, services, and use of an official title clearly delineating the nature and level of training on the part of a person in the employ of a federal, state, county, or municipal agency or of other political subdivisions or an educational institution, business

corporation, or research laboratory insofar as these activities and services are a part of the duties of the office or position within the confines of the agency or institution;

(3)(c) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of the supervised course of study of the student, intern, or resident in psychology;

(4)(d) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of that person's residence to perform these activities and services; ~~however,~~ However, these persons shall report to the department the nature and extent of the services in this state prior to providing those services if the services are to exceed 10 days in a calendar year;

(5)(e) a person authorized by the laws of the state or country of the person's former residence to perform activities and services, who has recently become a resident of this state and who has submitted a completed application for a license in this state, from performing the activities and services pending disposition of the person's application; and

(6)(f) the offering of lecture services.

(2) ~~Those qualified members of other professions described in subsection (1)(a) may indicate and hold themselves out as performing psychological testing, evaluation, and assessment, as described in 37-17-102(4)(b), provided that they are qualified to administer the test and make the evaluation or assessment.~~ THE BOARD OF SOCIAL WORK EXAMINERS AND PROFESSIONAL COUNSELORS AND THE BOARD OF PSYCHOLOGISTS SHALL JOINTLY DETERMINE RULES THAT QUALIFY A SOCIAL WORKER LICENSED UNDER TITLE 37, CHAPTER 22 AND A PROFESSIONAL COUNSELOR LICENSED UNDER TITLE 37, CHAPTER 23 TO PERFORM PSYCHOLOGICAL TESTING, EVALUATION AND ASSESSMENT. SUCH

RULES SHALL BE CONSISTENT WITH THE GUIDELINES OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION, OR OTHER NATIONALLY RECOGNIZED GUIDELINES. A LICENSEE MAY NOT ENGAGE IN PSYCHOLOGICAL TESTING, EVALUATIONS AND ASSESSMENT EXCEPT AS PROVIDED UNDER THE RULES DETERMINED UNDER THIS SECTION.

Section 2. Section 37-23-102, MCA, is amended to read:

"37-23-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Board" means the board of social work examiners and professional counselors established under 2-15-1744.

(2) "Licensee" means a person licensed under this chapter.

(3) "Professional counseling" means engaging in methods and techniques that include:

(a) counseling, which means the therapeutic process of:

(i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or

(ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health;

(b) assessment, which means selecting, administering, scoring, and interpreting instruments, including psychological tests, evaluations, and assessments, designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal

characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations;

(c) counseling treatment intervention, which means those cognitive, affective, behavioral, and systemic counseling strategies, techniques, and methods common to the behavioral sciences that are specifically implemented in the context of a therapeutic relationship. Other treatment interventions include developmental counseling, guidance, and consulting to facilitate normal growth and development, including educational and career development; ~~and~~.

(d) referral, which means evaluating information to identify needs or problems of an individual and to determine the advisability of referral to other specialists, informing the individual of the judgment, and communicating as requested or considered appropriate with the referral sources."

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